



# PUBLIC NOTICE

## APPLICATION FOR PERMIT

*LOS ANGELES DISTRICT*

**Public Notice/Application No.:** SPL-2007-01044-CLD

**Comment Period:** October 31, 2008 through November 29, 2008

**Project Manager:** Crystel Doyle; 760.602.4836; Crystel.L.Doyle@usace.army.mil

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### Applicant

French Valley Towne Center, LLC  
Attn: Jiries Elqura  
31401 Camino Capistrano, Suite 1  
San Juan Capistrano, CA 92675  
(949) 488-7767

### Contact

ICF Jones & Stokes  
Attn: Amanda Duchardt  
17310 Red Hill Avenue, Suite 320  
Irvine, CA 92614  
(949) 260-1080

### Location

The project site is located at the southeast intersection of Winchester Road (SR-79) and Thompson Road in the French Valley area of unincorporated Riverside County, CA (Sections 5 and 6, Township 7 south, Range 2 west as mapped on the Bachelor Mountain quadrangle, United States Geologic Survey (USGS) 7.5-minute topographic map). The site is located on five parcels: APNs 963-060-019, 963-060-020, 963-100-001, 963-100-007, and 963-060-021.

### Activity

The proposed project includes approximately 298,346 square feet of commercial development, including parking, water, and sewer services, on a 29.73-acre site zoned for commercial and industrial use. Potential building uses include Home Depot, a supermarket, a drug store, national hard and soft good tenants, restaurants, and retail shops (Fig 5). The site would be graded for building pads, which would then be turned over to lessees, such as the Home Depot, for building structures. French Valley Towne Center, LLC, would also install utilities. In addition, an existing detention basin would be expanded to accommodate runoff from the commercial center and function as a regional detention basin for other existing and planned development in the area.

The project would permanently impact 1.16 acre of jurisdictional non-wetland waters of the U.S. and 0.48 acre of jurisdictional wetland waters of the U.S. (Table 1). For more information see pages 3 of this notice.

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Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under . Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Division, San Diego Field Office  
ATTN:CESPL-RG-SD  
Permit No. 2007-01044-CLD  
6010 Hidden Valley Road, Suite 105  
Carlsbad, CA 92011

Alternatively, comments can be sent electronically to: [Crystel.L.Doyle@usace.army.mil](mailto:Crystel.L.Doyle@usace.army.mil)

### **Evaluation Factors**

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

### **Preliminary Review of Selected Factors**

**EIS Determination-** A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

**Water Quality-** The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. For any proposed activity on Tribal

land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency.

**Coastal Zone Management-** For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act requires that prior to issuing the Corps authorization for the project, the applicant must obtain concurrence from the California Coastal Commission that the project is consistent with the State's Coastal Zone Management Plan.

This project is located outside the coastal zone and preliminary review indicates that it will not affect coastal zone resources. A final determination of whether this project affects coastal zone resources will be made by the Corps, in consultation with the California Coastal Commission, after review of the comments received on this Public Notice.

**Cultural Resources-** A Phase 1 Archaeological Survey Report was completed by TetraTech (2005). According to this report, historic documents were consulted for any evidence of historic resources located within the project boundaries. This research included an archival records search and intensive archaeological survey. One previously recorded cultural site was documented within the project site. Mitigation measures are proposed that would reduce adverse impacts to this site.

The Corps will consult with the State Historic Preservation Officer (SHPO) under Section 106 of the National Historic Preservation Act, if deemed necessary to avoid or minimize adverse affects to cultural resources.

**Endangered Species-** A dry season presence/absence survey for vernal pool branchiopods was conducted by P&D Consultants in June 2006 within three ponded areas on the site designated as Pools A, B, and C (Fig 4). The survey concluded that fairy shrimp (*Branchinecta* spp.) cysts were present in high numbers in Pool A and in low numbers in Pools B and C. In October 2006, Ecological Restoration Service (ERS) cultured cysts from these samples. A single versatile fairy shrimp (*Branchinecta lindahli*) that is not federally listed was successfully cultured. Vernal pool fairy shrimp (*Branchinecta lynchi*, VPFS) were concluded absent from the project site. In addition, Riverside fairy shrimp (*Steptocephalus wootoni*, RSF) cysts, a federally listed endangered species, were found in Pool B. Wet season surveys were attempted during the 2005/2006 wet season, but no pool inundation occurred. The USACE initiated Section 7 consultation under the Endangered Species Act with the USFWS on October 22, 2008.

**Public Hearing-** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

### **Proposed Activity for Which a Permit is Required**

The proposed project includes approximately 298,346 square feet of commercial development, including parking, water, and sewer services, on a 29.73-acre site zoned for commercial and industrial use. Potential building uses include Home Depot, a supermarket, a drug store, national hard and soft good tenants, restaurants, and retail shops (Fig 5). The site would be graded for building pads, which would then be turned over to lessees, such as the Home Depot, for building structures. French Valley Towne Center, LLC, would also install utilities. In addition, an existing detention basin would be expanded to accommodate runoff from the commercial center and function as a regional detention basin for other existing and planned development in the area.

The project would permanently impact 1.16 acre of jurisdictional non-wetland waters of the U.S. and 0.48 acre of jurisdictional wetland waters of the U.S. (Fig 4, Table 1). Impacts to USACE jurisdictional features are based on a Preliminary Jurisdictional Determination.

**Table 1. Summary of Impacts to USACE Jurisdiction**

Feature	USACE		Resource Description
	Non-wetland Waters	Wetlands	
Pool A	0.03 acre	0.00 acres	Non-wetland Vernal Pool
Pool B	0.02 acre	0.00 acre	Non-wetland Vernal Pool
Pool C	0.93 acres	0.00 acres	Non-wetland Vernal Pool
Drainage A	0.00 acres 0 linear feet	0.33 acre 1,066 linear feet	Perennial Stream and Abutting Wetland fed by urban runoff
Drainage B	0.03 acres 446 linear feet	0.00 acres 0 linear feet	Relict Feature, Man-made Concrete V-ditch
Drainage C	0.15 acre 624 linear feet	0.00 acre 0 linear feet	Man-made Ephemeral Drainage that drains the Detention Basin
Detention Basin	0.00 acre	0.15 acres	Man-made Seasonal Wetland
Total Impact	1.16 acre 624 linear feet	0.48 acre 1,066 linear feet	

**Basic Project Purpose-** The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent.

The basic project purpose is retail use.

**Overall Project Purpose-** The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed.

The overall project purpose for the proposed project is to provide a commercial development that includes Home Depot, a supermarket, a drug store, national hard and soft good tenants, restaurants, and retail shops in the vicinity of French Valley area of unincorporated Riverside County, CA.

### **Additional Project Information-**

The applicant will be submitting a draft alternative analysis to the Corps. The Corps will make the final determination in identifying the Least Environmentally Damaging Practicable Alternative (LEDPA).

**Best Management Practices:** A project-specific water quality management plan and a storm water pollution prevention plan have been developed for the proposed project. These documents outline best management practices (BMPs) for erosion control, sediment control, wind erosion control, tracking control, non-storm water management, and waste management and materials pollution control during construction and operation of the proposed project. These plans also outline inspection and maintenance of BMPs.

Following construction, a majority of water flow from the project site will be directed into the expanded detention basin. Sediment in these waters would be allowed to settle prior to water discharging downstream. Accumulated flows from the detention basin would be discharged into the existing culvert under Winchester Road. Although the quantity of water discharged from the site would remain the same, the controlled release of the water from the detention basin will prevent excessive erosion and scouring downstream.

**Proposed Mitigation** – Impacts to wetlands and waters of the U.S. would be compensated to ensure no-net-loss of jurisdictional area. The applicant has proposed the following compensatory mitigation:

- Creation of pool habitat at a 1:1 ratio for impacts to Pools A, B, and C (0.98 acre) and creation of drainage habitat at a 1:1 ratio for impacts to Drainages A and C (0.48 acre). Creation will occur at an offsite location identified by the applicant within the Warm Springs Creek watershed.
- Participation in the Santa Margarita In-Lieu Fee program, operated by the Mission Resource Conservation District, by purchasing credits at a 2:1 ratio (1.54 acres) to offset project impacts to Drainages A and C.
- Purchase of credits at the Barry Jones Mitigation Bank (Skunk Hollow) at a 2:1 ratio (1.92 acres) for impacts to Pool A and C, as required by the USFWS.

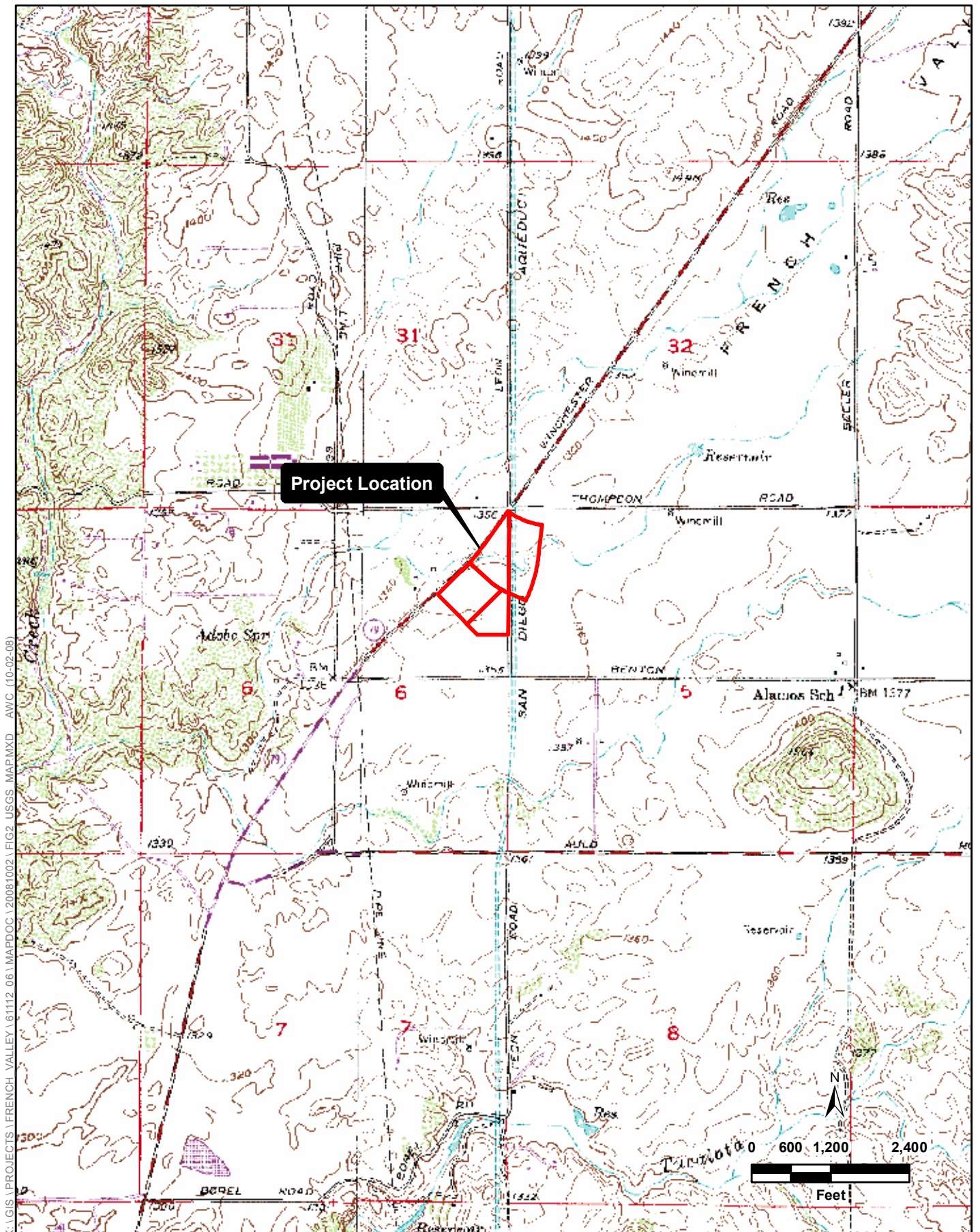
The applicant will provide a draft habitat mitigation and monitoring plan (HMMP) for USACE review and approval. As required, the HMMP will include the location of all mitigation areas including those purchased from a bank. The HMMP will also include a mechanism for reporting on the success and completion of mitigation actions (e.g., proof from the mitigation banks that work has been completed).

Drainage B is a relict feature whose function has been replaced by the existing detention basin. Impacts to the existing detention basin are temporary and no mitigation is proposed for the expansion of this facility.

The proposed mitigation may change as a result of comments received in response to this public notice, the applicant's response to those comments, and/or the need for the project to comply with the 404(b)(1) Guidelines.

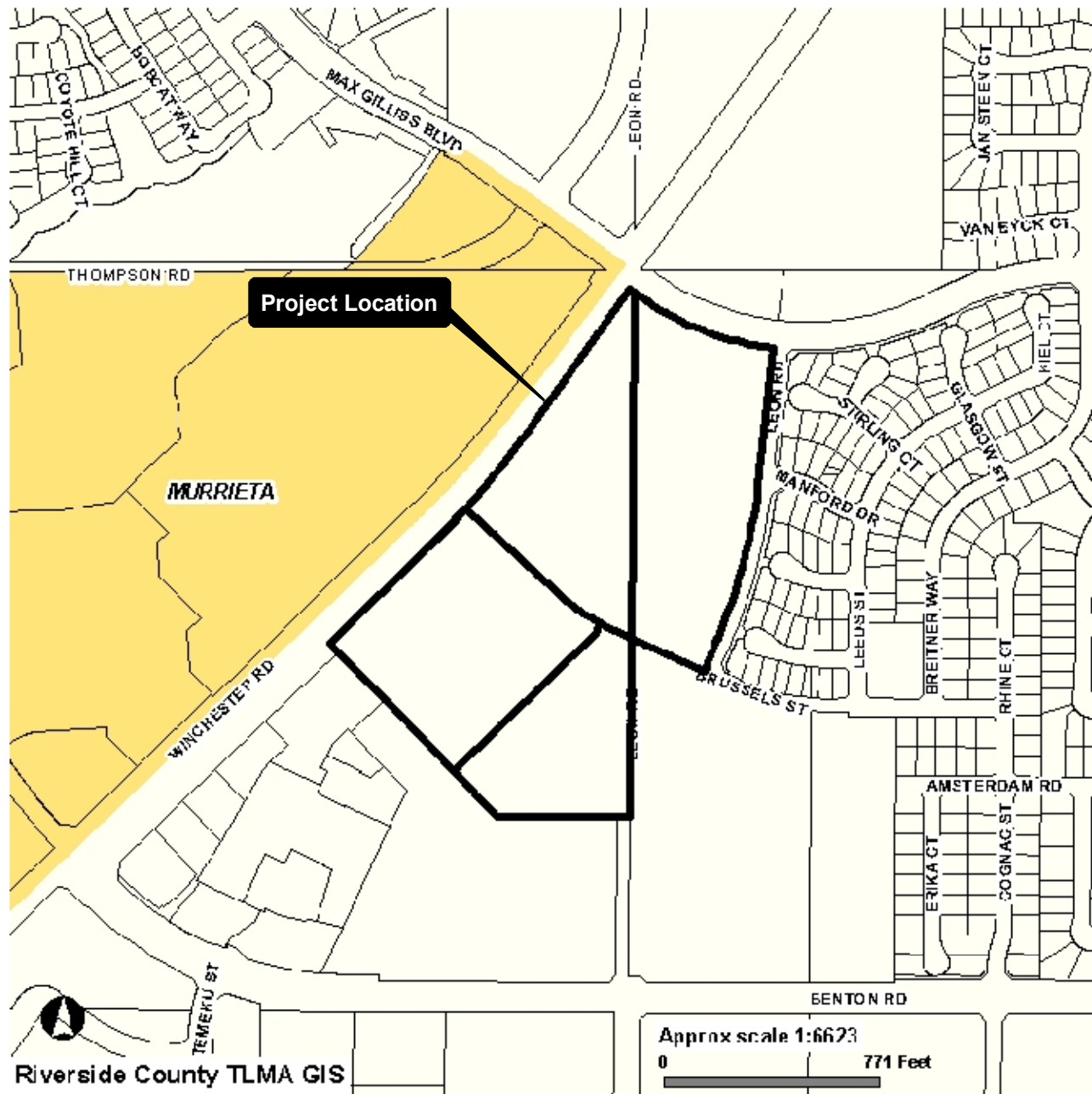
**Proposed Special Conditions**- None at this time.

For additional information please call Crystel Doyle of my staff at 760.602.4386 or via e-mail at Crystel.L.Doyle@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.



SOURCE: USGS 7.5' Quad., California : Bachelor Mountain (1973), Murrieta (1976)

**Figure 2**  
**USGS Topographic Map**  
**French Valley Towne Center**



SOURCE: County of Riverside

**Figure 3**  
**Project Site Location**  
**French Valley Towne Center**



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SOURCE: Project Boundary French Valley Towne Center, LLC, 2005; P&D Consultants, 2005; ESRI USA Imagery (04/2007; 0.6m)

**Figure 4**  
**Jurisdictional Waters**  
**French Valley Towne Center**



